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As of: October 30, 2014 (7:18am)

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**** Joint Resolution No. ****

Introduced By *****

By Request of the Water Policy Committee

A Joint Resolution of the Senate and the House of Representatives of the State of Montana requesting an interim study to examine the Montana's legal processes for water rights.

WHEREAS, Article IX, section 3(3), of the Montana constitution declares "all surface, underground, flood and atmospheric water within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law; and

WHEREAS, Article IX, section 3(4), of the Montana constitution declares "the legislature shall provide for the administration, control, and regulation of water rights"; and

WHEREAS, the Department of Natural Resources, Montana Water Court, and state district courts each have roles that endeavor to meet the standards contained in the Montana constitution through various legal processes; and

WHEREAS, the Legislature must ensure the legal processes for water rights remain relevant, professional, fair, effective and efficient into the future.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an

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appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the legal processes related to water rights administration and suggest improvements for the future. The study shall focus on preparing for post-adjudication conditions and needs with measures for:

- (1) improving court efficiency related to water issues;
- (2) providing effective and accessible venues and processes to resolve water-related disputes; and
- (3) providing efficient and equitable water rights administration and water delivery.

BE IT FURTHER RESOLVED, that the study consider:

- (1) reports and analyses of Montana's legal processes related to water rights;
- (2) input from all agencies and courts involved in Montana's legal processes related to water rights; and
- (3) legal processes related to water rights in other states.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that the study request recommendations from the water adjudication advisory committee provided for in 3-7-103 on achieving the above objectives prior to October 31, 2015.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2016.

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BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

- END -

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